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REMARKS

This response is to the Office Letter mailed in the above-referenced case on July 15, 2004. Claims 1-34 are presented for examination. The Examiner rejects claims 1-2, 8, 12-14 and 23-28 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,948,061, hereinafter Merriman. Claims 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,913,040, hereinafter Rakavy.

The applicant has carefully noted and reviewed the Examiner's rejections, references and comments. Applicant herein amends selected claims to more particularly point out the patentable aspects of the invention. Applicant herein argues the patentability of the claims, as amended, over the prior art provided by the Examiner. Claim 25 is herein canceled.

Regarding independent claims 1 and 23, the Examiner relies on the art of Merriman to anticipate the claims. Applicant herein amends the claims to positively recite that the repository stores and serves user profile data accumulated, at least, by monitoring user Internet navigation behavior.

Merriman provides a method and apparatus for targeting the delivery of advertisements over a network such as the Internet. The use of the advertisements is tracked to permit targeting of the advertisements of individual users. In response to requests from affiliated sites, an advertising server transmits to people accessing the page of a site an appropriate one of the advertisements.

Applicant argues that Merriman tracks the user's browser request for certain ads offered at affiliated Web sites and the goal being not to push ads that have already been viewed by the user. Merriman uses the address information and or other information passed by the browser for the user, including the page being accessed by the user, the advertising server process determines an appropriate advertisement to select for the particular user. In addition, the advertising server process, of Merriman, will use information such as the number of times the user

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has seen various advertisements, how often the advertisement has been seen by any user and the start and stop date for the various advertisements to select which advertisement to transmit to the user's web page for display.

Applicant argues that the system of Merriman teaches tracking user activity only as related to specific, proprietary advertisements as stored in the database of Merriman (col. 5, lines 50-63). Applicant stresses that the particular difference between applicant's invention and that of Merriman is that Merriman's system tracks the advertisements and how many times they are accessed and by which user, not the behavior of the user's general navigation on the data-packet-network as claimed. Applicant's system tracks and records user behavior for the data profile even when the user is navigating to Web sites that are not affiliated with the ad server.

Applicant believes that claims 1 and 23, as amended, are patentable over the art of Merriman as argued above. Claims 2-14 and 24-34 are patentable at least as depended upon a patentable claim.

The Examiner rejects independent claim 15 as being anticipated by Rakavy. Applicant also herein amends independent claim 15 to positively recite; "wherein the profile data is accumulated, at least, by monitoring user navigation behavior on a data-packet-network."

Applicant points out that all of the user data profile information in the art of Rakavy is directly input by the user in response to a questionnaire pertaining to user interests (col.9, lines 16-21). Rakavy fails to teach monitoring and logging user navigation behavior on the data-packet-network as claimed. All of the user profile information used to provide advertisements, in the art of Rakavy, is directly input by the user.

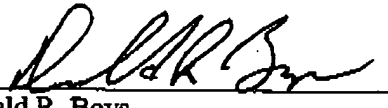
Applicant believes claim 15, as amended, are clearly patentable over the art of Rakavy. Claims 16-22 are patentable on their own merits, or at least as depended from a patentable claim.

It is therefore respectfully requested that this application be reconsidered, the

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claims be allowed, and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Subhash Sankuratripati et al.

by 
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457